

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SCOTTY LAYNE HARRISON**

**v.**

**NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice  
Correctional Institutions Division**

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**3-04-CV-314-D**

**REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the District Court's order filed on October 31, 2007, re-referring this case to the undersigned for further proceedings following the Fifth Circuit's decision remanding the case to the District Court, Jason D. Hawkins was appointed to represent Mr. Harrison and an evidentiary hearing was scheduled for February 21, 2008.

On February 15, 2008, Harrison executed and filed his motion for voluntary dismissal. On February 21, 2008, Harrison appeared in person and through counsel before the undersigned and after the court questioned Harrison and counsel, it is clear that his motion for voluntary dismissal is knowingly and understandingly made.

**RECOMMENDATION:**

For the foregoing reasons it is recommended that the District Court grant Petitioner's motion to dismiss.

A copy of this recommendation shall be transmitted to Petitioner, his counsel and counsel

for Respondent.

SIGNED this 21st day of February, 2008.

A handwritten signature in black ink that reads "Wm. F. Sanderson, Jr." The signature is written in a cursive, slightly slanted style.

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WM. F. SANDERSON, JR.  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten (10) days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5<sup>th</sup> Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a de novo determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.